

**Notice of Allowability**

Application No.

10/517,128

Examiner

Eric A. Gates

Applicant(s)

CLARK, JOHN

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Applicant's preliminary amendment filed 6 December 2004.
2. ☒ The allowed claim(s) is/are 1-3, 5-17, 19-67 and 69-84.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☒ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☒ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  5. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO/SB/08),  
Paper No./Mail Date 6/6/05, 6/15/06
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_.

*Monica S. Carter*  
MONICA CARTER  
SUPERVISORY PATENT EXAMINER

### EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. During a telephone conversation conducted on 20 December 2007, Mr. Richard Wesorick authorized the Director to charge Deposit Account No. 20-0090 the required fee of \$105.00 for an additional independent claim and authorized the following examiner's amendment. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

The application has been amended as follows:

Claim 1. (Currently Amended) A drill attachment for coupling a tubular cutting member having a bore to drive means for rotating the cutting member, the drill attachment comprising: a housing defining first and second fluid conduits; and a drive shaft rotatably mounted within the housing and having fluid transmitting first and second end portions in fluid communication with the respective first and second fluid conduits, the first end portion being adapted for coupling to one of a tubular cutting member and a drive means and the second end portion being adapted for coupling to the other of the tubular cutting member and the drive means; and wherein one of said first and second end portions of the drive shaft is adapted for coupling to a tubular cutting member when dry drilling is required, and the other of said first and second end portions is adapted for coupling to a tubular cutting member when wet drilling is required.

Claim 4. (Cancelled)

Claim 14. (Currently Amended) A drill attachment as claimed in claim 13, wherein said at least one radial bore merges with the first axial bore in the region of the a terminating end of said first axial bore.

Claim 16. (Currently Amended) ~~A drill attachment as claimed in claim 12,~~ A drill attachment for coupling a tubular cutting member having a bore to drive means for rotating the cutting member, the drill attachment comprising: a housing defining first and second fluid conduits; and a drive shaft rotatably mounted within the housing and having fluid transmitting first and second end portions in fluid communication with the respective first and second fluid conduits, the first end portion being adapted for coupling to one of a tubular cutting member and a drive means and the second end portion being adapted for coupling to the other of the tubular cutting member and the drive means; wherein the drive shaft comprises a first axial bore which extends partially through the drive shaft from the first fluid transmitting end portion thereof, and terminates at a point within the drive shaft; and wherein the drive shaft comprises a second axial bore which extends partially through the drive shaft from the second fluid transmitting end portion thereof, and terminates at a point within the drive shaft.

Claim 18. (Cancelled)

Claim 20. (Currently Amended) A drill attachment as claimed in claim 17 ~~43~~, wherein the location of said radial bores along the length of the drive shaft is such that said bores are substantially aligned with a said respective first and second fluid conduits ~~conduit~~ in the housing.

Claim 48. (Currently Amended) ~~A drill attachment as claimed in claim 47,~~ A drill attachment for coupling a tubular cutting member having a bore to drive means for rotating the cutting member, the drill attachment comprising: a housing defining first and second fluid conduits; and a drive shaft rotatably mounted within the housing and having fluid transmitting first and second end portions in fluid communication with the respective first and second fluid conduits, the first end portion being adapted for coupling to one of a tubular cutting member and a drive means and the second end portion being adapted for coupling to the other of the tubular cutting member and the drive means; wherein where dust extraction is effected through extraction apertures, the dust is drawn into a chamber in the housing and through one of the first and second fluid conduits; wherein the chamber is located at a first side of the drill attachment and is in fluid communication with the first fluid conduit in the housing; and wherein the side of the drilling attachment comprising the chamber is also adapted for use in wet drilling, wherein means are provided for closing the opening through which dust is extracted into the chamber during dry drilling.

Claim 53. (Currently Amended) ~~A drill attachment as claimed in claim 52;~~ A drill attachment for coupling a tubular cutting member having a bore to drive means for rotating the cutting member, the drill attachment comprising: a housing defining first and second fluid conduits; and a drive shaft rotatably mounted within the housing and having fluid transmitting first and second end portions in fluid communication with the respective first and second fluid conduits, the first end portion being adapted for coupling to one of a tubular cutting member and a drive means and the second end portion being adapted for coupling to the other of the tubular cutting member and the drive means; wherein where dust extraction is effected through extraction apertures, the dust is drawn into a chamber in the housing and through one of the first and second fluid conduits; wherein the chamber is in selective fluid communication with one of the first and second fluid conduits in the housing, such that a fluid path between the chamber and said fluid conduit is open when dust is extracted through extraction apertures; and wherein selective fluid communication between the chamber and the fluid conduit is achieved by use of a sliding collar provided on the housing.

Claim 59. (Currently Amended) A drill attachment as claimed in claim 55 56, wherein when the collar is moved to close the fluid path between the fluid conduit and the chamber, that is, towards a first position, a first end of the collar will abut a side face of the ring, therefore closing a portion of the fluid conduit and consequently said fluid path.

Claim 68. (Cancelled)

Claim 80. (Currently Amended) A drill attachment as claimed in claim 1, wherein the drive means is a drill drilling.

Claims 85-92. (Cancelled)

***Allowable Subject Matter***

2. Claims 1-3, 5-17, 19-67, and 69-84 are allowed. Claims 1, 16, 48, and 53 are the independent claims.

3. The following is an examiner's statement of reasons for allowance:

The closest prior art of record is U.S. Patent 4,036,308 to Dellenberg.

Dellenberg discloses a drill attachment 211/235 for coupling a tubular cutting member 214 having a bore 215 to drive means 11 for rotating the cutting member, the drill attachment comprising: a housing 211 defining first 222 and second 223 fluid conduits; and a drive shaft 235 rotatably mounted within the housing and having fluid transmitting first 217 and second 218 end portions in fluid communication with the respective first and second fluid conduits, the first end portion being adapted for coupling to one of a tubular cutting member and a drive means and the second end portion being adapted for coupling to the other of the tubular cutting member and the drive means.

The patent to Dellenberg does not disclose "wherein one of said first and second end portions of the drive shaft is adapted for coupling to a tubular cutting member when dry drilling is required, and the other of said first and second end portions is adapted for

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coupling to a tubular cutting member when wet drilling is required” as claimed in independent claim 1, or “wherein the drive shaft comprises a second axial bore which extends partially through the drive shaft from the second fluid transmitting end portion thereof, and terminates at a point within the drive shaft” as claimed in independent claim 16, or “wherein the side of the drilling attachment comprising the chamber is also adapted for use in wet drilling, wherein means are provided for closing the opening through which dust is extracted into the chamber during dry drilling” as claimed in independent claim 48, or “wherein selective fluid communication between the chamber and the fluid conduit is achieved by use of a sliding collar provided on the housing” as claimed in independent claim 53, and as such does not anticipate the instant invention as disclosed in independent claims 1, 16, 48, and 53.

Furthermore, there is no combinable teaching in the prior art of record that would reasonably motivate one having ordinary skill in the art to so modify the teachings of Dellenberg, and thus, for at least the foregoing reasoning, the prior art of record does not render obvious the present invention as set forth in independent claims 1, 16, 48, and 53.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled “Comments on Statement of Reasons for Allowance.”

**Conclusion**

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eric A. Gates whose telephone number is (571) 272-5498. The examiner can normally be reached on Mon-Thurs 8:45 - 6:15.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Monica Carter can be reached on (571) 272-4475. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



EAG  
20 December 2007



MONICA CARTER  
SUPERVISORY PATENT EXAMINER